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 LIBERTY MUTUAL FIRE INSURANCE
 COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SILGAN CONTAINERS LLC, successor to
 Silgan Containers Corporation,

Plaintiff,

vs.

NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA and
 LIBERTY MUTUAL FIRE INSURANCE
 COMPANY,

Defendants.

) Case No.: C 09-05971 RS

) **STIPULATION AND [PROPOSED]**
) **ORDER FURTHER MODIFYING THE**
) **INITIAL CASE MANAGEMENT ORDER**

) Hon. Richard Seeborg

The undersigned parties hereby stipulate, subject to the Court's approval, to further modify the provisions of the Court's May 20, 2010 initial Case Management Order, as amended by the Court's July 19, 2010, July 30, 2010, October 29, 2010 and November 17, 2010 modifications of that order, as follows:

1. NON-EXPERT DISCOVERY. On or before November 9, 2010, all non-expert discovery shall be completed by the parties (other than additional discovery as a result of the Court's order of December 21, 2010 (document no. 70)).

2. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions shall proceed as follows:

A. On or before November 23, 2010, plaintiff shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

B. On or before December 21, 2010, defendants shall disclose expert testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

C. On or before March 4, 2011, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

3. CROSS-MOTIONS FOR SUMMARY JUDGMENT. Cross-motions for summary judgment, if any, shall be heard in accordance with Civil Local Rule 7 no later than April 7, 2011.

4. FURTHER CASE MANAGEMENT CONFERENCE. A Further Case Management Conference shall be held on May 19, 2011 at 10:00 a.m. in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California. The parties shall submit a Joint Case Management Statement at least one week prior to the Conference.

5. PRETRIAL STATEMENTS. At a time convenient to all, counsel shall meet and confer to discuss preparation of a joint pretrial statement, and on or before July 28, 2011, counsel shall file a Joint Pretrial Statement.

6. PRETRIAL CONFERENCE. The final pretrial conference will be held on August 11, 2011, at 10:00 a.m., in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California. Each party or lead counsel who will try the case shall attend personally.

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7. TRIAL DATE. Jury trial shall commence on August 29, 2011, at 9:00 a.m., in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

DATED: December 29, 2010

HINSHAW & CULBERTSON LLP

By: 

JOSEPH J. DE HOPE, JR.
Attorneys for Defendants
LIBERTY MUTUAL FIRE INSURANCE
COMPANY

Dated: December __, 2010

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Pursuant to stipulation, it is so ordered.

Dated: 12/29/10, ~~2011~~



Honorable Richard Seeborg
United States District Judge